



Netherlands, The

Country Reports on Human Rights Practices - [2001](#)

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The Netherlands is a constitutional monarchy with a parliamentary legislative system. Executive authority is exercised by the Prime Minister and the Cabinet representing the governing political parties (traditionally a coalition of at least two major parties). The bicameral Parliament is elected through free and fair elections. The Government respects the Constitutional provision for an independent judiciary.

Regional police forces are primarily responsible for maintaining internal security. The police, the Royal Constabulary, and investigative organizations concerned with internal and external security generally are under effective civilian authority.

The country has a total population of approximately 16.1 million. The market-based economy is export oriented and features a mixture of industry, services, and agriculture. Key industries include chemicals, oil refining, natural gas, machinery, and electronics. The agricultural sector produces fruit, vegetables, flowers, meat, and dairy products. Living standards and the level of social benefits are high with a per capita gross national product of \$28,245. Unemployment is approximately 2 percent, with an additional 10 percent of the workforce on full or partial disability. Long-term unemployment, particularly among ethnic minorities, remained a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Violence and discrimination against women existed, as did child abuse. Discrimination and some violence against minorities continued to be a concern. Trafficking in women and girls for prostitution was a problem. The Government took steps to deal with all of these problems.

Aruba and the Netherlands Antilles are two autonomous regions of the kingdom; they also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally is the same as that in the European Netherlands; however the islands' prison conditions remained substandard.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

The Government took steps in 1999 to facilitate the filing of complaints about police behavior, to create uniform complaint procedures, and to ensure that complaints are assessed by independent district committees; statistics from these committees are not centrally registered.

There were incidents of rightwing and racist violence against religious and ethnic minorities (see Section 5).

Prison conditions in the Netherlands generally meet international standards. Male and female prisoners are held separately. In addition juvenile prisoners are held separately from adults and pretrial detainees are held separately from convicted criminals. The Government permits visits by independent human rights monitors, but no such visits occurred during the year.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has urged the Governments of the Netherlands, the Netherlands Antilles, and Aruba to improve the "inhuman" conditions in Curacao's Koraal Specht prison and in cell blocks at the police stations on the islands of St. Maarten, Bonaire, and Aruba. The CPT's criticism focused on overcrowding, extremely poor sanitary conditions, poor food, and insufficient ventilation. The Committee also criticized widespread corruption and the mistreatment of prisoners by guards at Koraal Specht. In 2000 the CPT specifically criticized the Government for not doing enough to prevent outbursts of violence among prisoners, including sexual assaults, and the use of riot police to guard prisoners at the Koraal Specht prison. The Justice Minister set up the Kibbelaar committee early in the year. In September it found that prison guards on Curacao and St. Maarten routinely smuggled drugs and firearms into the prison and allowed breakouts and sexual assaults to occur. The Justice Minister suspended 175 of the 202 guards, and put the regular police in charge of guarding the prisons.

The Dutch Government repeatedly has provided financial assistance to the Government of the Netherlands Antilles for the construction of a new juvenile wing, a maximum-security facility, and other improvements at Koraal Specht. The Government also sent experts on prison organization and the training of guards. Steady progress has been made in improving conditions (prisoners have mattresses, hygiene and food have improved, and construction began on a new wing to relieve overcrowding). The Government of the Netherlands Antilles was renovating the entire prison complex, and in April a new cellblock was renovated; the prison's name was changed from Koraal Specht to Bon Futuro. When the entire complex is renovated, it is expected to hold 700 prisoners. At the request of the Antillean Government and with funds from the Dutch Government, a private foreign company supplied expert personnel who reorganized prison management and trained mid-level staff for a period of a year beginning on September 1, 2000.

The Governments of the Netherlands Antilles and Aruba allow access by independent human rights monitors to prisons; however, no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government generally observes these prohibitions in practice.

Criminal investigations are conducted by police officers, who act under the authority of the public prosecutor. Arrests must be ordered by a prosecutor or senior police officer. Arrests may be made without such authorization upon the discovery of any crime in progress or for crimes that carry a statutory prison sentence of 4 years or more. Police officers may question suspects for a maximum of 6 hours. An additional period of 6 hours may be ordered if needed to establish the suspect's identity. After the initial police questioning, the suspect may be detained up to 6 days upon an order of the public prosecutor. Thereafter detention must be authorized by the investigative judge.

Police officers must make a written record of their activities, which is forwarded to the prosecutor, who decides what action to take. If the prosecutor considers that an investigation is necessary, he must request that the investigative judge open a preliminary judicial inquiry. The investigative judge then assumes responsibility and authority over the investigation. Defense attorneys have the right to be present during the questioning of the suspect, witnesses, and experts by the investigative judge.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate

courts handles both criminal and civil cases. The Supreme Court acts as the highest appellate court and ensures the uniform interpretation of the law.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right with vigor. In April both the judiciary and the public prosecutor introduced procedures whereby complaints can be filed for perceived impolite or rude treatment by either a judge or prosecutor. The law instructs that defendants be fully informed at every stage of criminal proceedings. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low-income persons), and to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

There are dozens of national and local newspapers and magazines, 3 public and 6 commercial television stations, and 5 public and 12 commercial radio stations. The media is independent. Access to the Internet is unrestricted.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Government provides state subsidies to religious organizations that maintain educational facilities.

The courts and the Equal Opportunity Committee have addressed repeatedly the issue of whether headscarves can be worn by Muslim women and girls. The prevailing decisions have held that the wearing of headscarves may be banned only on narrow grounds, such as a concern for safety or inconsistency with an official government uniform.

In other areas, antidiscrimination boards have rebuked publicly employers for failure to allow non-Christians to take leave from work on their religious holidays, for objecting to Sikhs wearing turbans, Muslim women wearing headscarves, or to observance of food requirements on religious grounds.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees, and other humanitarian organizations in assisting refugees. The Government does not provide first asylum as such; however, most asylum seekers (84 percent in 2000), except those who obviously came from a "safe country of origin" or stayed for some time in a "safe third country," are permitted to apply for resident status. In 2000 the Government turned down 83 percent of the asylum requests that were processed. However, up to 30 percent of those whose applications were denied nonetheless were permitted to stay in the country temporarily on humanitarian grounds or as long as their country of origin was considered unsafe.

The Government's asylum policy is designed to protect genuine refugees while excluding economic migrants and illegal immigrants. The number of asylum seekers rose from 41,306, to 43,895 in 2000. A series of harsher rules entered into force in April, and they aim to discourage economic migrants at all stages of the asylum process through a stricter intake, the accelerated processing of asylum requests, limited appeal procedures, and a denial of social assistance to asylum seekers who are rejected.

The Justice Ministry estimated that half of all asylum seekers came to the country via alien smuggling organizations.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba.

The percentage of women in government and politics does not correspond to their percentage of the population; however, no restrictions in law or in practice hinder the participation of women and minorities in government and politics. A total of 52 of the 150 members of the second chamber of Parliament are female, as are 4 of the 15 cabinet ministers. The two Deputy Prime Ministers are women. The Government pursues an active policy to promote the participation of women in politics and public administration.

Although they are a minority, women also hold positions in the Parliaments and Cabinets of the Netherlands Antilles and Aruba.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

In view of its longstanding tradition of hosting international legal tribunals, the Government facilitated the trial of two Libyans accused of the 1988 bombing of Pan American flight 103, which killed 270 persons. By agreement among the parties, the Government provided to the United Kingdom an extraterritorial venue for the trial, which began in 1999 and was conducted under Scottish law. On January 31, the trial ended with one conviction and one acquittal. The convicted individual filed an appeal; the appeal hearings began in October in the Netherlands and were ongoing at year's end. The Government also hosts the International Criminal Tribunal for the Former Yugoslavia and the headquarters of the International Criminal Tribunal for Rwanda. It also has been selected to host the proposed International Criminal Court, although that Court had not been created by year's end.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution bans discrimination on the basis of any of these factors or political preference, and the Government generally is effective in enforcing these provisions. Under the Equal Treatment Act, complainants may take offenders to court under civil law.

Women

Violence against women is a problem. A report released during the year by the Social Affairs Ministry showed that each year approximately 200,000 women, particularly ethnic minorities, are victims of violence by their former or present spouses or partners. Each year approximately 50,000 women suffer from serious violence, (defined as battering, physical and mental abuse, manslaughter, and sexual violence), and 60 to 80 die of domestic violence. Marital rape is a crime and carries the same penalty as nonmarital rape, a maximum of 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery. Fewer than 10 percent of victims of domestic violence report to the police; most cases are not reported out of fear, shame, or guilt. Per year approximately 800 men are prosecuted for battering their partners.

The Government supports programs to reduce and prevent violence against women. There is a network of 48 government-subsidized shelters offering the services of social workers and psychologists to battered women.

In addition battered women who leave their domestic partners become eligible for social benefits, which include an adequate basic living subsidy as well as an allowance for dependent children. In addition to helping victims of sexual abuse, the Government has pursued an active prevention campaign through commercials and awareness training of educators. Nongovernmental organizations also advise and assist women who are victims of sexual assault.

Prostitution is legal, and since 2000 the law no longer treats "organizing the prostitution of somebody else" as a crime when done with the consent of the prostitute. However, it is illegal to force a person into prostitution (see Section 6.f.). All brothels require licenses issued by local governments with strict conditions to be observed by brothel owners. The Government believes that by decriminalizing prostitution, licensing brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, prostitution will be less susceptible to criminal organizations trafficking in women and children. In addition the licensing system in theory makes prostitution more transparent and easier for the police to monitor. However, between 20,000 and 30,000 individuals are employed in prostitution, and it is estimated that half of all prostitutes originate in non-European Union countries and are residing in the country illegally. In addition trafficking in women for the purpose of prostitution remained a problem, despite Government efforts to combat it (see Section 6.f.).

The law requires employers to take measures to protect workers from sexual harassment; however, research shows that approximately 245,000 women, or 6.6 percent of the female working population, are intimidated sexually in the work place each year. The Government funds an ongoing publicity campaign to increase awareness of the problem. As the largest employer, the Government has taken measures to counter harassment among civil servants, including in the police force.

Women increasingly are entering the job market, but traditional cultural factors and an inadequate number of day care facilities tend to discourage women--especially women with young children--from working; one-third of women stop working after the birth of their first child. During the year, 52 percent of women participated in the labor market. The Government has taken steps to raise this figure to at least 65 percent by 2010 through various measures, including an expansion of child care facilities and special leave programs. The social welfare and national health systems provide considerable assistance to working women with families. Women are eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law allows parents to take unpaid full-time leave for 3 months and to extend that leave for more than 6 months to care for children up to 8-years old. Persons working fewer than 20 hours per week also are entitled to parental leave.

Nevertheless women often are underemployed and have less chance of promotion than their male colleagues. Approximately 42 percent of women hold part-time jobs. They often hold lower level positions than men, mostly because of their part-time status. According to the Ministry of Social Affairs and Employment, in 2000 the average hourly earnings of men exceeded those of women by 23 percent; however, some women continued to make steady progress by moving into professional and high-visibility jobs. According to the Ministry of Social Affairs and Employment, women working in the private sector on average earn 23 percent less than men, although when 'corrected' to take into account the level of experience and expertise required for the jobs, this differential is reduced to 7 percent.

In 1988 the Government started affirmative action programs for women. Collective labor agreements usually include one or more provisions to strengthen the position of women. Legislation mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated Equal Treatment Commission actively pursues complaints of discrimination in these areas as well as allegations of pay discrimination.

Children

The Government works to ensure the well being of children through numerous well-funded health, education, and public information programs. Mandatory attendance at school ends at age 16, or after at least 12 years of education. Education is free for children between 4 and 16, although schools may ask for a voluntary contribution from parents. Vocational education is also free, except for the cost of books and materials. Approximately 10 percent of students leave secondary school before attaining a certificate.

According to the Child Abuse Reporting and Advisory Center, an estimated 40,000 to 80,000 children are victims of child abuse each year, although only approximately 20,000 formal reports of child abuse are registered. As a result of abuse, 40 to 50 children die each year. The U.N. Commission on Children's Rights in 1999 expressed concern about the Government's performance in this area, in particular, the long waiting list for assistance to abused children. Approximately 7,000 abused children were on the waiting list at year's end. The Council for the Protection of Children, operated through the Ministry of Justice, enforces child support orders, investigates cases of child abuse, and recommends remedies ranging from counseling to withdrawal of

parental rights. The Government also maintains a popular hot line for children and a network of pediatricians who track suspected cases of child abuse on a confidential basis.

The age of consent is 16. Sexual intercourse with minors under age 12 always constitutes a criminal offense; in cases involving minors between the ages of 12 and 16, an interested party must file a complaint. The law imposes penalties on prostitution activities involving minors; maximum penalties vary between 6 years' imprisonment for sex (in the context of prostitution) with minors under age 18, 8 years for sex with minors under 16 years of age, and 10 for sex with minors under 12 years. International sex tourism involving the abuse of minor children is prosecutable. In past years, several Dutch citizens have been tried and convicted for the abuse of minors in other countries; however, there were no such convictions reported during the year. Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The maximum penalty for child pornography is 4 years' imprisonment and 6 years' in the event of financial gain. The law allows for provisional arrest, house searches, and criminal financial investigations. The possession of child pornography is punishable, but exemptions are made for scientific or educational use. However, these exemptions have caused some problems; for example, in the past owners claimed that child pornographic collections were of historic value. In May a bill submitted by the Justice Minister raised the age at which minors are allowed to act in pornographic movies from 16 to 18, which corresponds to the age requirement in the ILO Convention against the (sexual) exploitation of children, as well as corresponding to the national minimum age for working in the prostitution sector.

The Government has begun a national offensive against child pornography on the Internet.

Persons with Disabilities

There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services. According to the Dutch Council for Chronic Patients and the Handicapped, persons with disabilities suffer from discrimination in public access. For example, public buildings and public transport often are not easily accessible.

Religious Minorities

There were incidents of anti-Semitic discrimination. Most involved the use of swastikas, distributing neo-Nazi propaganda, and making the Hitler salute. The Center for Information and Documentation on Israel (CIDI) reported that Jewish cemeteries, monuments, synagogues, and buildings were on 50 occasions the target of vandals. The number of incidents of physical or verbal intimidation of Jews sharply increased in 2000, as did the painting of anti-Semitic slogans on walls. CIDI registered 32 incidents of verbal abuse, 6 incidents of targeting synagogues, 2 incidents of defiling cemeteries, and 6 incidents of verbal or physical assault. CIDI noted that there was a clear link between these incidents and events that occurred during the year, including the restitution of Jewish assets and the violence between Israel and Palestine. For example, ethnic Moroccans were involved in 13 major incidents of anti-Semitism in 2000. There also were a number of complaints about anti-Semitism on Internet sites set up by citizens. Of the 550 complaints registered by the Discrimination in Internet Registration Center, 203 concerned anti-Semitic incidents.

The National Association of Anti-Discrimination Bureaus registered over 90 incidents against Muslims in the aftermath of the September 11 terrorist attacks on the United States. Anti-Muslim incidents included vandalism, arson, the defacing of mosques or Islamic institutions, harassment, and verbal abuse in public places, directed particularly at women wearing headscarves.

National/Racial/Ethnic Minorities

The traditionally homogeneous nature of society has changed in recent decades due to the influx of immigrants and asylum seekers who make up approximately 9 percent of the population. Government policies that are broad in scope and intent promote the integration of racial and ethnic minorities, and in general citizens are averse to discrimination and unequal treatment and support integration; however, integration remained a problem, and immigrant groups faced some discrimination. Various NGO's, some of which are funded by the Government, monitor violations.

Immigrant groups face some discrimination in housing and employment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average. These actions have significantly reduced unemployment among ethnic minorities but the level is still three times higher than among the ethnically Dutch workforce. The Act on the Stimulation of Labor Participation by Ethnic Minorities is intended to increase job opportunities for ethnic minorities; it requires

employers with a work force of over 35 persons to register their non-Dutch employees, and employers are to strive for a composition of their work force that reflects the regional working population. They must submit their annual social action plans, including recruitment targets, to the regional labor bureaus. The Labor Inspectorate oversees implementation of the law. In 2000 the U.N. Committee on the Elimination of Racial Discrimination criticized the Government for not doing enough to prevent discrimination in hiring and recommended that the Government take steps to reduce segregation in schools and create a police force whose composition reflects the entire population.

In 2000 several ministries, government job centers, and the Dutch Small Business Association pledged to find jobs for some 20,000 persons from ethnic minorities before May 2001. Their efforts were successful, and by year's end, more than 30,000 persons were employed as a result of the program.

The Government pursued an active campaign aimed at increasing public awareness of racism and discrimination. According to the latest statistics, the courts addressed 284 discrimination cases in 1997 and ruled in 232 cases. Of these cases, 75 percent concerned racist defamation; 11 percent distribution of racist material; 8 percent discrimination in the exercise of a profession or office; and 7 percent incitement to hatred, discrimination or violence. There were convictions in approximately 90 percent of the cases.

In 2000 the Chief Public Prosecutor set up the National Expertise Center on Discrimination to improve the prosecution's handling of discrimination cases.

In May the penalty for structural forms of discrimination (defined as repeated or systematic expressions of a discriminatory nature) was increased to a maximum imprisonment of 2 years, and a maximum fine of \$10,100 (25,000 guilders).

In June the Council of Chiefs of Police agreed to a series of measures designed to improve police alertness to incidents of discrimination. These measures included the appointment of a contact person for discrimination cases in each of the 25 regional police forces; the establishment of a National Bureau for Discrimination Cases (which acts a clearing house and database for the entire police and is a part of the police structure); and the establishment of a national registration system of cases of racism and discrimination to provide a comprehensive picture of the situation. By year's end, it appeared that most of these measures had not yet been implemented due to organizational problems.

The council also has agreed to a uniform national registration system of cases of racism and discrimination. A central government organization was set up in 1999 to fight racial discrimination and to collect nationwide statistics on incidents of discrimination, but it has yet to work out a uniform system. The 29 local antidiscrimination bureaus together registered 3,416 complaints in 1999, the latest year for which statistics were available. Many complaints concern discrimination in the workplace.

In 1999 the Equal Opportunities Committee, an NGO passed judgment in 118 cases relating to racial or national discrimination. Later statistics were not available. Most complaints concerned the labor market, including denial of promotion, discrimination in the work place, unequal pay, and dismissal.

Each year the University of Leiden, in collaboration with the Ministry of Internal Affairs and the Anne Frank Foundation, investigates the extent of rightwing and racist violence against minorities. In December it published its report on 2000, and which indicated an increase in registered incidents from 313 in 1998 to 406 in 2000. Figures for 2000 included 83 incidents of physical abuse and 157 incidents of painting objectionable slogans. The survey assumed that many incidents were not reported. Most of the racist violence was committed by youths often under the influence of alcohol. Police rarely are able to identify or arrest perpetrators. The 2000 report showed that racism was directed increasingly against asylum seekers and Jewish persons. Minorities were increasingly responsible for these acts of racism.

With the proliferation of Internet web sites, the dissemination of racial and discriminatory material on Internet also has increased. The privately run Discrimination on the Internet Registration Center received 550 complaints in 2000, compared to 181 in 1999. The center also investigates web sites and home pages. Over 70 percent of such statements are removed voluntarily at the center's request. NGO's have criticized judicial authorities for not actively tracking down offenses on the Internet. Authorities investigate offenses only when a complaint has been filed. There have been only two convictions in the past few years for offenses committed on the Internet.

Section 6 Worker Rights

a. The Right of Association

Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercise this right. Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Unions are free of control by the Government and political parties. Union members may and do participate in political activities. Approximately 28 percent of the work force is unionized; however, union-negotiated collective bargaining agreements usually are extended to cover approximately three-quarters of the work force. The white-collar unions' membership is the fastest growing. There are three trade union federations. The largest is the FNV Trade Union Federation (FNV), with approximately 1.22 million members, followed by the Christian Trade Union Federation (CNV), with approximately 354,000 members, and the MHP Trade Union Federation for staff and managerial personnel, with approximately 214,000 members. Unions are free of government and political party control.

All workers have the right to strike, except for most civil servants who have other institutionalized means of protection and redress. Industrial relations are very harmonious, and strikes are infrequent. In 2000 some 9.4 out of 1,000 labor days were lost, mostly over union demands for higher pay and a 36-hour workweek. By law retribution against striking workers is prohibited, and the Government generally respects this prohibition in practice.

Unions are free to affiliate with national and international trade union federations. The three union federations are active internationally, without restriction.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and specific laws guarantee the right to collective bargaining; workers exercise this right. Collective bargaining agreements are negotiated in the framework of the "Social Partnership" developed between trade unions and private employers. Representatives of the main union federations, employers' organizations, and the Government meet each year to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions lead to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sectors negotiate sectoral agreements, which the Government usually extends to all companies in the sector.

Antiunion discrimination is prohibited, and there were no reports that it occurred. Union federations and employers' organizations are represented, along with independent experts, on the Social and Economic Council. The council is the major advisory board for the Government on policies and legislation regarding national and international social and economic matters.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however, trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The Constitution prohibits forced or compulsory labor by children; however, trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. Those in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in areas dangerous to their physical or mental well being. These laws are enforced effectively by the tripartite Labor Commission, which monitors hiring practices and conducts inspections.

Holiday work and after school jobs are subject to very strict rules, which are set in the Work Time Act, the Child Labor Regulation (for children under age 16), and the Working Conditions Decree. Observance of the rules is overseen by the Social Ministry's Labor Inspection Office. Although child labor is banned, an increasing number of children work for pay during holidays. The parents of such children are to be reported officially by labor inspectors, and the Public Prosecutor may decide to prosecute the parents for violating the ban on child labor. In 2000 the labor inspections showed that one-third of companies violated the regulations applying to holiday work, including by employing children under the age of 13.

The Constitution prohibits forced or compulsory labor by children; however, trafficking in girls for the purpose of

prostitution was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The minimum wage for adults is established by law and may be adjusted every 6 months to reflect changes in the cost-of-living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage is approximately \$1,050 (2,601 guilders) per month. For workers earning the minimum wage, employers pay \$2,400 a year (6,000 guilders) in premiums for social security benefits, which includes medical insurance. The legislated minimum wage and social benefits available to minimum wage earners provide an adequate standard of living for a worker and family. Only 3 percent of workers earn the minimum wage because collective bargaining agreements, which normally are extended across a sector, usually set a minimum wage well above the legislated minimum. The Government, unions, and employers have taken measures to increase the number of minimum wage jobs and to decrease employers' social payments in order to lower the cost of hiring new workers and to create more jobs, especially for the long-term unemployed.

A reduced minimum wage applies to young persons under the age of 23—one of the groups with the highest rate of unemployment—and is intended to provide incentives for their employment. This wage ranges from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age.

Although the law sets a 40-hour workweek, the average workweek for those with full-time jobs is 37 1/2 hours. Anyone working more than 4 1/2 hours per day is entitled to a 30-minute break. This workweek is the result of agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. This combination makes it possible to adapt shorter working hours to the specific situation in a particular business or branch of industry. The law prohibits employers from treating part-time workers differently from those in full-time jobs.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, are monitored actively and enforced effectively by the tripartite Labor Commission. The Ministry of Labor and Social Affairs also monitors standards through its Labor Inspectorate. Workers may remove themselves from dangerous work conditions without jeopardizing their continued employment.

f. Trafficking in Persons

The law specifically criminalizes alien smuggling and trafficking in persons; however, women and girls were trafficked into the country for prostitution. The country is a major destination for trafficked women from countries around the world, including Colombia, the Dominican Republic, Hungary, Lithuania, Poland, Slovenia, Albania, Romania, and the Federal Republic of Yugoslavia, China, the Philippines, Thailand, and Africa (Nigeria.) There are no reliable figures available; however, the Foundation Against Trafficking in Women estimates that each year approximately 3,000 women and girls are trafficked into the country for the purpose of prostitution.

African women, in particular those from Nigeria, make up a sizeable portion of foreign women working illegally as prostitutes. According to the authorities, the most widely used method for trafficking African women is the fraudulent use of special asylum procedures for minors, who are virtually ensured entry. Although most women trafficked from Africa are not actually under the age of 18, all claim to be. Once at the asylum center, they remain for a few days and then disappear, only to turn up later as prostitutes in the country or elsewhere in Europe. Most of these women are under extreme pressure to work as prostitutes. According to the Terre des Hommes organization, their families have signed contracts with trafficking organizations, often sanctioned by "voodoo" priests; the girls strongly believe in the magical power of voodoo.

A Dutch study of prostitutes from central and eastern Europe shows that five out of six, "liberated" from trafficking organizations in the Netherlands, knew that they were to be employed in the sex industry when they accepted the offer of their recruiters; however, upon their arrival, they often were treated as slaves, physically abused, intimidated, threatened, and locked up. In addition, traffickers withhold money and documentation, and they threatened to have the women deported.

There is also a problem with so-called "loverboys," primarily young Moroccans or Turks living in the country who seduce young, second-generation immigrant girls into prostitution. Local governments have initiated in-school campaigns to warn girls of the danger of loverboys.

The maximum sentence for trafficking in persons is 6 years. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years. The maximum sentence for alien

smuggling is 8 years. With the introduction of the new prostitution law, which prohibits the employment of prostitutes in the country illegally, the Government seeks to intensify the fight against criminal organizations trafficking in women and children (see Section 5). The Government actively investigates and prosecutes traffickers. In 2000 authorities prosecuted 68 trafficking cases of which 34 resulted in convictions.

The Government has an active policy to combat trafficking in persons. The Ministries of Justice, Internal Affairs, Foreign Affairs, Welfare and Health, and Social Affairs are involved in antitrafficking efforts. A number of police forces have established special units to deal with trafficking. In April 2000, the Government created the Bureau of the National Rapporteur on Trafficking in Persons, which is to report annually to the Government on the nature, extent, and mechanisms of trafficking, as well as on the effects of national policies. It is an independent government agency, led by a public prosecutor. The Bureau receives about \$600,000 (1.5 million guilders) per year from five different ministries (Justice, Internal Affairs, Foreign Affairs, Social Affairs, and Health.) Its first report will be submitted in the spring of 2002. The Government cooperates closely with other government on trafficking, and EUROPOL, established in the Hague, provides analytical support and administrative expertise to European Union member-state law enforcement agencies on trafficking matters. The Justice Ministry also cofinances the La Strada program, aimed at preventing trafficking in women in central and eastern European countries.

Under the law, illegal residents, who may have been victims of trafficking, may not be deported before investigations are completed. Victims are allowed 3 months to consider pressing charges, and victims who do so are allowed to stay in the country until the judicial process is completed. During this period, victims receive legal, financial, and psychological assistance. In special circumstances, residence permits are granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes returning to their native countries are eligible for temporary financial assistance.

The Government subsidizes NGO's working with trafficking victims, including the Dutch Foundation Against Trafficking in Women, which is an independent organization offering social support, legal advice, medical aid, shelters, and counseling to victims of trafficking.